

### **REMARKS**

This Preliminary Amendment is being submitted concurrently with a Request for Continued Examination (RCE). Claim 9 has been amended. Claims 1-20 are present in the application. An accompanying Amendment Transmittal calculates the additional filing fee required as a result of this Preliminary Amendment. Further and favorable consideration of the application is respectfully requested.

In the most recent Office Action, the pending claims were all rejected as unpatentable in view of Wang U.S. Patent No. 6,789,031, considered by itself or in combination with another reference. Applicants respectfully submit that the disclosure of Wang is not even remotely relevant to the subject matter of the present invention. In this regard, Applicants are enclosing a Diagram that diagrammatically summarizes the disclosure of the Wang patent. On the left side of the Diagram is a block 801 representing a manufacturing Process A that yields a Product 802. On the right side of the Diagram is a block 803 representing a manufacturing Process B that yields a Product 804. Process A has process parameters 820 that serve as inputs to Process A, and that define at least some characteristics of Process A. Similarly, Process B has process parameters 821 that serve as inputs to Process B, and that define at least some characteristics of Process B.

For purposes of this discussion, it is assumed that process parameters 820 and 821 are exactly the same, and that Processes A and B are theoretically supposed to be exactly the same, except that Process A is carried out in one manufacturing facility, and Process B is carried out in a different manufacturing facility. Since Processes A and B are supposed to be the same, the resulting Products 802 and 804 should theoretically be identical. But in the real world, as a practical matter, there may be differences. For example, the manufacturing facility for Process A may happen to have manufacturing equipment that is made by one vendor, and the manufacturing facility for Process B may happen to have manufacturing equipment that is similar but made by a different vendor. Or the two manufacturing facilities may have different owners, who adhere to

slightly different quality control standards. Consequently, even though Products 802 and 804 are theoretically supposed to be identical, as a practical matter there may be minor differences between them.

The purpose of Wang's invention is to compare differences between the physical products 802 and 804, in order to determine whether or not the associated Processes A and B are sufficiently similar to be considered statistically equivalent to each other. Therefore, as discussed by Wang at lines 17-20 in column 3, lines 44-47 in column 5, and lines 51-54 in column 7, the method of Wang starts by identifying one or more parameters that can be measured from the Products 802 and 804 that were made by the Processes A and B. For the sake of simplicity in this discussion, it is assumed that a single parameter is identified. Wang measures this parameter for the Product 802 in order to obtain a measured parameter 805, and measures the same parameter for the Product 804 in order to obtain a measured parameter 806. These measured product parameters 805 and 806 are then used as inputs to a mathematical calculation that is represented diagrammatically by the block 807. In effect, the calculation 807 serves to statistically compare the measured parameter 805 for the Product 802 with the corresponding measured parameter 806 for the Product 804. The result or "output" of the mathematical calculation 807 is a determination 808 that either (1) the Processes A and B are statistically equivalent, or (2) the Processes A and B are not statistically equivalent. It should be noted that the determination 808 is different from the process parameters 820 and 821, and Wang does not teach or suggest that the determination 808 could be used as one of the process parameters 820 and 821. Further, the product parameters 805 and 806 are different from the process parameters 820 and 821. Contrary to the assertions in recent Office Action, Wang does not teach or suggest that either of the product parameters 805 or 806 could be used as one of the process parameters 820 and 821.

In view of the foregoing amendment, and the foregoing remarks, Applicants respectfully request further and favorable consideration of the present application. If the Examiner believes

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Preliminary Amendment Accompanying RCE

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that examination of this application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Murray Smith', with a stylized flourish at the end.

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Enclosures: Diagram  
Amendment Transmittal  
Check (\$200.00)  
Acknowledgement Post Card

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# DIAGRAM

(Wang U.S. Patent  
No. 6,789,031)

